

87th Legislative Session – 2012

Committee: House Local Government

Tuesday, February 21, 2012

P - Present
E - Excused
A - Absent

Roll Call

E Feickert
E Kloucek
E Schrempp
E Magstadt
P Munsterman
E Nelson (Stace)
P Olson (Betty)
P Rausch
P Tornow
P Tulson
P Venner
E Cronin, Vice-Chair
P Kirkeby, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Kirkeby.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 16, 2012

Moved by: Tulson
Second by: Munsterman
Action: Prevailed by voice vote.

SB 22: revise certain provisions regarding the vacation or the change of location of county and township highways on school and public lands.

Presented by: Jarrod Johnson, Office of School and Public Lands
Proponents: Dick Howard, SD Association of Towns and Townships

Bob Wilcox, SD Association of County Commissioners answered a question.

MOTION: DO PASS SB 22

Moved by: Venner
Second by: Rausch
Action: Prevailed by roll call vote. (7-0-6-0)

Voting Yes: Munsterman, Olson (Betty), Rausch, Tornow, Tulson, Venner, Kirkeby

Excused: Feickert, Kloucek, Schrempp, Magstadt, Nelson (Stace), Cronin

MOTION: PLACE SB 22 ON CONSENT CALENDAR

Moved by: Rausch
Second by: Munsterman
Action: Prevailed by voice vote.

SB 70: revise the procedures for filing referred laws, initiated constitutional amendments, and initiated measures and to revise certain election provisions and campaign finance requirements for referred laws, initiated constitutional amendments, and initiated measures.

Presented by: Representative David Sigdestad
Proponents: Jason Gant, Office of the Secretary of State

MOTION: DO PASS SB 70

Moved by: Rausch
Second by: Olson (Betty)
Action: Prevailed by roll call vote. (7-0-6-0)

Voting Yes: Munsterman, Olson (Betty), Rausch, Tornow, Tulson, Venner, Kirkeby

Excused: Feickert, Kloucek, Schrempp, Magstadt, Nelson (Stace), Cronin

MOTION: PLACE SB 70 ON CONSENT CALENDAR

Moved by: Olson (Betty)
Second by: Rausch
Action: Prevailed by voice vote.

SB 128: revise certain provisions concerning elections.

Presented by: Senator Dan Lederman

Proponents: Jason Gant, Office of the Secretary of State

MOTION: AMEND SB 128

128fb

On page 3, after line 3 of the Senate engrossed bill, insert:

" Section 6. That § 12-21-10 be amended to read as follows:

12-21-10. A candidate for any office, position, or nomination which is voted upon only by the voters of one county or part thereof may ask for a recount of the official returns if such candidate is defeated, according to the official returns, by a margin not exceeding two percent of the total vote cast for all candidates for such office, position, or nomination. If the margin is within the two percent but exceeds a vote differential of more than forty votes, the candidate requesting the recount shall file a personal cash bond of five hundred dollars with the county auditor. The bond amount may only be returned to the candidate if the requested recount changes the final winner of the election. If the recount fails to change the winner of the election when a bond has been filed, the county auditor shall apply the bond toward the expense of conducting the recount. However, if the bond exceeds the expense of the recount as documented by the county auditor, the county auditor shall return any funds remaining from the bond to the candidate who filed the bond. Any candidate for nonlegislative office shall file a verified petition with the county auditor within three days after the election returns have been canvassed by the official county canvass. Any candidate for legislative office shall file a verified petition with the county auditor within three days after the election returns have been canvassed by the official state canvass. The petition shall state that the candidate, after being first sworn on such candidate's oath, believes a recount will change the result of the election and that all of the votes cast for the office, position, or nomination should be recounted. ✶ If the petition, and if required, the personal cash bond, is filed with the county auditor as required by this section, then a recount shall ~~then~~ be conducted."

Moved by: Tornow

Second by: Venner

Action: Failed by roll call vote. (2-5-6-0)

Voting Yes: Tornow, Venner

Voting No: Munsterman, Olson (Betty), Rausch, Tulson, Kirkeby

Excused: Feickert, Kloucek, Schrempp, Magstadt, Nelson (Stace), Cronin

MOTION: AMEND SB 128

128fc

On page 3, after line 3 of the Senate engrossed bill, insert:

" Section 6. That § 12-21-10 be amended to read as follows:

12-21-10. A candidate for any office, position, or nomination which is voted upon only by the voters of one county or part thereof may ask for a recount of the official returns if such candidate is defeated, according to the official returns, by a margin not exceeding two percent of the total vote cast for all candidates for such office, position, or nomination. Any candidate for nonlegislative office shall file a verified petition with the county auditor within three days after the election returns have been canvassed by the official county canvass. Any candidate for legislative office shall file a verified petition with the county auditor within three days after the election returns have been canvassed by the official state canvass. The petition shall state that the candidate, after being first sworn on such candidate's oath, believes a recount will change the result of the election and that all of the votes cast for the office, position, or nomination should be recounted. A recount shall then be conducted.".

Moved by: Tornow
Second by: Venner
Action: Failed by roll call vote. (3-4-6-0)

Voting Yes: Olson (Betty), Tornow, Venner

Voting No: Munsterman, Rausch, Tulson, Kirkeby

Excused: Feickert, Kloucek, Schrempp, Magstadt, Nelson (Stace), Cronin

MOTION: DO PASS SB 128

Moved by: Munsterman
Second by: Olson (Betty)
Action: Prevailed by roll call vote. (7-0-6-0)

Voting Yes: Munsterman, Olson (Betty), Rausch, Tornow, Tulson, Venner, Kirkeby

Excused: Feickert, Kloucek, Schrempp, Magstadt, Nelson (Stace), Cronin

SB 104: revise certain provisions concerning the investment of public funds.

Presented by: Representative Charles Turbiville
Proponents: Margo Northrup, SD Association of Rural Water Systems

MOTION: DO PASS SB 104

Moved by: Rausch
Second by: Tornow
Action: Prevailed by roll call vote. (7-0-6-0)

Voting Yes: Munsterman, Olson (Betty), Rausch, Tornow, Tulson, Venner, Kirkeby

Excused: Feickert, Kloucek, Schrempp, Magstadt, Nelson (Stace), Cronin

SB 75: revise the determination of fees that may be charged for certain public records.

Presented by: Senator Elizabeth Kraus
Proponents: David Bordewyk, SD Newspaper Association

MOTION: DO PASS SB 75

Moved by: Venner
Second by: Olson (Betty)
Action: Failed by roll call vote. (6-1-6-0)

Voting Yes: Munsterman, Olson (Betty), Rausch, Tulson, Venner, Kirkeby

Voting No: Tornow

Excused: Feickert, Kloucek, Schrempp, Magstadt, Nelson (Stace), Cronin

THE CHAIR DEFERRED SB 75

SB 101: authorize counties to borrow money using promissory notes.

Presented by: Senator Tom Hansen
Proponents: Curt Everson, SD Bankers Association
Bob Wilcox, SD Association of County Commissioners

THE CHAIR DEFERRED SB 101

MOTION: ADJOURN

Moved by: Munsterman

Second by: Rausch

Action: Prevailed by voice vote.

Joshua Klumb
Committee Secretary

Mark Kirkeby, Chair